Supreme Court, U.S.
FILED
OCT 14 1980
MICHAEL RODAK, JR., CLERK

80-635

No.

IN THE

Supreme Court Of The United States

OCTOBER TERM, 1980

MICHAEL REESE PHYSICIANS AND SURGEONS, S.C., AND LAWRENCE FERGUSON, M.D.

Petitioners,

v.

ARTHUR F. QUERN, DIRECTOR, ILLINOIS DEPARTMENT OF PUBLIC AID

Respondent.

AMICUS CURIAE BRIEF OF ILLINOIS STATE MEDICAL SOCIETY IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

JAMES L. FLETCHER
WINSTON & STRAWN
One First National Plaza
Chicago, Illinois 60603
(312) 558-5600

Attorney for Amicus Curiae, Illinois State Medical Society

Pandick Press Midwest, Chicago • 454-7600

No.

IN THE

Supreme Court Of The United States

OCTOBER TERM, 1980

MICHAEL REESE PHYSICIANS AND SURGEONS, S.C., AND LAWRENCE FERGUSON, M.D.

Petitioners,

v.

ARTHUR F. QUERN, DIRECTOR, ILLINOIS DEPARTMENT OF PUBLIC AID

Respondent.

AMICUS CURIAE BRIEF OF ILLINOIS STATE MEDICAL SOCIETY IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

The Illinois State Medical Society ("ISMS"), as amicus curiae, respectfully joins in the Petition of Michael Reese Physicians and Surgeons, S.C., and Lawrence Ferguson, M.D. in requesting that a writ of certiorari issue to review the judgment entered July 18, 1980 of the United States of Appeals.

QUESTION PRESENTED

Whether a participating state in administering its Medicaid program is required to recognize and compensate as a provider of qualified services a medical corporation consisting of physicians who provide quality treatment to indigent patients.

STATEMENT OF INTEREST

ISMS is the largest statewide organization of physicians in Illinois, representing in excess of 14,000 physicians, or more than 80 percent of the licensed physicians in the State. Many of these physicians practice as sole practitioners, while substantial numbers are organized in group practices such as corporations organized pursuant to the Illinois Medical Corporation Act. ISMS sponsors a wide variety of programs directed to improving the quality and cost effectiveness of public health. ISMS publishes monthly the Illinois Medical Journal which contains analysis of current public health problems as well as authoritative scientific articles. ISMS also offers its members assistance in dealing with the Illinois Department of Public Aid ("IDPA") with regard to Medicaid reimbursement, and is actively involved in addressing problems raised under the administration of the state Medicaid program.

As a result of its comprehensive involvement in the administration of public health in Illinois, ISMS has become vitally concerned about the exclusion by IDPA of medical corporations from participation in the Illinois Medicaid program. In November, 1976 the House of Delegates of ISMS, on behalf of its membership, formally repudiated IDPA's unreasonable refusal to recognize medical corporations as a participant in the Medicaid program. The House of Delegates of ISMS is a policy-making body of the organization chosen to represent 92 county medical societies of Illinois.

REASONS FOR GRANTING THE WRIT

ISMS adopts in full the Reasons For Granting The Writ set forth in the Petition For A Writ Of Certiorari filed in this case. IDPA's insistence upon excluding medical corporations from the state Medicaid program is based upon a total misconception of the manner in which public health needs are met in the State of Illinois.

The Illinois medical corporation today offers benefits in quality and cost effective medical treatment that cannot always be provided by sole practitioners. The medical corporation is a modern means for providing high quality medical expertise across a variety of highly specialized areas of medical practice. By excluding medical corporations from the Medicaid program, IDPA is drastically reducing the otherwise available volume of physicians able to service the indigent. For example, a 1975 survey of group medical practice identified 3,004 group practice physicians in Illinois, 1,973 of whom were involved with groups providing multispecialty expertise for their patients. For the reasons stated in the Petition, the inferior medical treatment offered the indigent as a result of IDPA's exclusion of medical corporations is at odds with the Medicaid Act. The effect of this arbitrary exclusion severely impacts on the public health care offered the needy in Illinois.

CONCLUSION

For the foregoing reasons, this petition for a writ of certiorari should be granted.

Dated:

Respectfully submitted,

JAMES L. FLETCHER
WINSTON & STRAWN
One First National Plaza
Chicago, Illinois 60603
(312) 558-5600

Attorney for Amicus Curiae,
Illinois State Medical Society